

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 58
PROTECTION OF NATURAL RESOURCES

67-5801. SCOPE AND PURPOSE. The purpose of this act is to provide an orderly, comprehensive plan for the protection of the natural resources of the state and for the suppression of dangers or threats thereto; to provide training for state employees in prevention and suppression of natural resources disasters; and, to authorize the governor to marshall the manpower and resources of state agencies in the event of such a disaster.

[67-5801, added 1968 (2nd E.S.), ch. 8, sec. 1, p. 17.]

67-5802. PROTECTION PLAN -- PROCEDURE -- RESPONSIBILITIES OF STATE AGENCIES -- ANNUAL REVISION -- APPROVAL. The governor shall prepare a plan providing for the protection of the state's natural resources. The plan shall set forth procedure for the protection of the state's natural resources in the event of any natural resources disaster that may be proclaimed by the governor. Specifically, the plan shall set forth the functions and responsibilities of designated state agencies within the executive branch of state government in the event of such a disaster. The governor shall cause the plan to be reviewed and revised at least annually. Before becoming effective, such plan, or revision thereof, shall be approved by the board of land commissioners.

[67-5802, added 1968 (2nd E.S.), ch. 8, sec. 2, p. 17.]

67-5803. TRAINING INSTITUTES FOR SUPPRESSION OF NATURAL RESOURCES DISASTERS. The governor shall cause periodic training institutes to be conducted throughout the state, the purpose of which shall be the training of state employees in the protection of natural resources and suppression of natural resources disasters. The governor shall designate the employees of the executive branch of state government who shall be required to attend such training institutes.

[67-5803, added 1968 (2nd E.S.), ch. 8, sec. 3, p. 17.]

67-5804. PROCLAMATION OF NATURAL RESOURCES DISASTER -- AID BY AGENCY -- CLAIM FOR REIMBURSEMENT. After proclaiming the existence of a natural resources disaster by executive proclamation, the governor may require any agency of the executive branch of state government to aid in the suppression of such disaster. As used herein, the term "aid" includes the furnishing of all necessary manpower, materials, equipment, and facilities. If aid is furnished by any agency, the agency shall submit to the board of examiners a claim for expenses incurred in the suppression of such disaster. Following approval of the claim by the board of examiners, the agency shall be reimbursed from moneys appropriated for such purposes.

[67-5804, added 1968 (2nd E.S.), ch. 8, sec. 4, p. 17; am. 1976, ch. 51, sec. 19, p. 181.]

67-5805. LEGISLATIVE FINDINGS AND INTENT. (1) Section 1, article I, of the constitution of the state of Idaho provides: "All men are by nature free and equal, and have certain inalienable rights, among which are enjoying and defending life and liberty; acquiring, possessing and protecting property; pursuing happiness and securing safety." It is the duty and right of the legislature and the governor to protect the state, its citizens and property. Section [36-103](#)(a), Idaho Code, provides: "All wildlife, including all wild animals, wild birds, and fish, within the state of Idaho, is hereby declared to be the property of the state of Idaho." The state of Idaho therefore has the responsibility to manage the big game animals of the state.

(2) The Idaho legislature finds and declares that the state's citizens, businesses, hunting, tourism and agricultural industries, private property and wildlife, are immediately and continuously threatened and harmed by the sustained presence and growing population of Canadian gray wolves in the state of Idaho. The Idaho legislature, therefore, finds the population of gray wolves in Idaho, having been introduced into the state in 1995, over the united objection of the Idaho congressional delegation, Idaho legislature, Idaho governor, Idaho counties and numerous Idaho agricultural groups who were gravely concerned with the negative effects this action would impose on Idaho and Idahoans, is now many times exceeding the target number originally set by the federal government and the number set in Idaho's federally approved 2002 wolf management plan. The U.S. fish and wildlife service (USFWS) has delisted the gray wolf in Idaho in 2008 and 2009 returning management to the state, only to be sued both times by environmental groups forcing the wolf to be relisted as endangered. As a result of all the above, the legislature finds that public safety has been compromised, economic activity has been disrupted and private and public property continue to be imperiled. The uncontrolled proliferation of imported wolves on private land has produced a clear and present danger to humans, their pets and livestock, and has altered and hindered historical uses of private and public land, dramatically inhibiting previously safe activities such as walking, picnicking, biking, berry picking, hunting and fishing. The continued uncontrolled presence of gray wolves represents an unfunded mandate, a federal commandeering of both state and private citizen resources and a government taking that makes private property unusable for the quiet enjoyment of property owners. An emergency existing therefore, it is the intent of the legislature to regulate the presence of Canadian gray wolves in Idaho in order to safeguard the public, wildlife, economy and private property against additional devastation to Idaho's social culture, economy and natural resources, and to preserve the ability to benefit from private and public property within the state and experience the quiet enjoyment of such property.

[67-5805, added 2011, ch. 334, sec. 1, p. 976.]

67-5806. DECLARATION OF EMERGENCY. A disaster emergency, as defined in section [46-1002](#)(2) and (3), Idaho Code, is in existence as a result of the introduction of Canadian gray wolves, which have caused and continue to threaten vast devastation of Idaho's social culture, economy and natural resources. The geographical extent of this emergency shall include any part of the state of Idaho where gray wolves have been sighted and whose sighting has been documented or otherwise confirmed by the office of species conservation or the department of fish and game.

[67-5806, added 2011, ch. 334, sec. 2, p. 976; am. 2016, ch. 118, sec. 21, p. 343.]

67-5807. GOVERNOR -- EXECUTIVE ORDERS. (1) Pursuant to this act, the governor may issue executive orders and proclamations and amend or rescind such orders and proclamations. Executive orders and proclamations have the force and effect of law. A disaster emergency may be declared by executive order or proclamation of the governor if the governor finds any of the following:

- (a) Any Canadian gray wolf within the state is a carrier of a disease harmful to humans, livestock, pets and wild game and that there is a risk of transmission of such disease to humans, livestock, pets or wild game;
- (b) The potential of human-wolf conflict exists and that the Canadian gray wolf is frequenting areas inhabited by humans or showing habituated behavior toward humans;
- (c) That the potential for livestock-wolf conflict exists and that the Canadian gray wolf is frequenting areas that are largely ranchland with livestock or showing evidence of habituated behavior toward livestock;
- (d) The numbers of Canadian gray wolves are such that there is an impact to Idaho big game herds as identified in the wolf management plan of 2002, and that there is evidence that increasing the number of wolves beyond one hundred (100) has had detrimental impacts on big game populations, the economic viability of the Idaho department of fish and game, outfitters and guides, and others who depend on a viable population of big game animals;
- (e) The numbers of big game animals have been significantly impacted below that of recent historical numbers and that there has been a measurable diminution in the value of businesses tied to outfitting and other game or hunting based businesses.

(2) The executive order or proclamation shall direct the office of species conservation to initiate emergency proceedings in accordance with section [67-5247](#), Idaho Code. Any person may challenge an action or proposed action of the office of species conservation by following the appeals process prescribed by the Idaho administrative procedure act, [chapter 52, title 67](#), Idaho Code.

(3) The state of disaster emergency shall continue until the governor finds that either gray wolves are delisted in Idaho with full state management restored or the threat has been dealt with to the extent that emergency conditions no longer exist. When either or both of these events occur, the governor shall terminate the state of disaster emergency by executive order or proclamation. Provided however, that no state of disaster emergency pursuant to the provisions of this act may continue for longer than one (1) year. The legislature by concurrent resolution may terminate a state of disaster emergency at any time. Thereupon, the governor shall issue an executive order or proclamation ending the state of disaster emergency. All executive orders or proclamations issued pursuant to this section shall indicate which of the conditions in this section exist, the area or areas threatened and the actions planned to resolve the issue, including contracting with USDA-APHIS wildlife services. An executive order or proclamation shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless the circumstances attendant upon the disaster prevent or impede, be promptly filed with the office of species conservation, the department of fish and game, the office of the secretary of

state and the office of the sheriff of each county where the state of disaster emergency applies.

[67-5807, added 2011, ch. 334, sec. 3, p. 977.]